

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

CANAAN EL,	:	VIOLATIONS:	18 U.S.C. § 1951
ALBERT HENRY,	:		(Hobbs Act conspiracy - 1
a/k/a “Hotshot,” “Shot,”	:		Count); 18 U.S.C. § 1951
MUBARAK REED,	:		(Hobbs Act robbery - 1
a/k/a “Stacks”,	:		Count); 18 U.S.C. § 2119
SHAMELL SHIVERS	:		(Carjacking - 2 Counts);
a/k/a “Nai”	:		18 U.S.C § 924(c)
	:		(Using and carrying a
	:		firearm during and in
	:		relation to a crime of
	:		violence - 2 Counts);
	:		18 U.S.C. § 922(g)(1) (Felon
	:		in possession of a firearm
	:		and ammunition - 2
	:		Counts); 18 U.S.C. § 2
	:		(Aiding and abetting); 18
	:		U.S.C. § 982 (Criminal
	:		Forfeiture); and
	:		28 U.S.C. § 2461(c) and 18
	:		U.S.C. § 924(d)
	:		(Criminal Forfeiture)

INDICTMENT

COUNT ONE
(Hobbs Act Robbery Conspiracy)

THE GRAND JURY CHARGES THAT:

1. At all times material to this Indictment, D.W., a person known to the Grand Jury, was engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other illegal controlled substances in the Eastern District of Pennsylvania, activities which affected interstate commerce in that the cocaine, cocaine base (“crack”) and other illegal controlled

substances were from sources outside the Commonwealth of Pennsylvania.

2. From in or about December 2002 through August 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**CANAAN EL,
ALBERT HENRY,
a/k/a “Hotshot,” “Shot,”
MUBARAK REED,
a/k/a “Stacks”
SHAMELL SHIVERS
a/ka/ “Nai”**

knowingly conspired and agreed with each other and with others known and unknown to the Grand Jury, to unlawfully obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants planned, obtained and attempted to obtain property, that is, cash and other items of value, from persons involved in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other illegal controlled substances from sources outside the Commonwealth of Pennsylvania, including D.W., against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property, in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

MANNER AND MEANS OF EXECUTING THE CONSPIRACY

It was part of the conspiracy that:

3. Defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, obtained property from persons whom they believed were engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other

illegal controlled substances, and were in fact engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other controlled substances.

4. Defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, would identify for purposes of committing robbery persons they believed were engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other illegal controlled substances, and were in fact engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other illegal controlled substances. These persons were identified and targeted for robbery by the defendants because they were believed to possess from their illegal narcotics activity, and did in fact possess, large sums of cash, jewelry, motor vehicles and other valuables.

5. After identifying the persons to be robbed, defendants CANAAN EL and MUBARAK REED, a/k/a “Stacks,” along with others known and unknown to the Grand Jury, would conduct surveillance to determine the types of cars the persons drove, to determine the places at which the persons lived, and to determine the places in Philadelphia to which the persons routinely traveled.

6. Upon completion of the surveillance, defendants CANAAN EL and MUBARAK REED, a/k/a “Stacks,” along with others known and unknown to the Grand Jury, would determine the place at which the person was to be robbed.

7. Defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” and MUBARAK REED, a/k/a “Stacks,” along with others known and unknown to the Grand Jury, obtained firearms, blocking cars, getaway cars, duct tape, plastic restraint devices, rope, wire,

facial masks and rubber gloves for purposes of carrying out the planned robberies.

8. Defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, would approach the robbery victims at gun point and demand that the robbery victim relinquish his cash, jewelry, car and other valuables. The robbery victim, along with any other persons associated with the robbery victim, would then be restrained and taken to a location unknown to the robbery victim where the robbery victim would be restrained and physically assaulted until they agreed to give defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, full access to the victim’s cash and other valuables in exchange for their freedom.

9. After obtaining cash, jewelry and other valuables from the robbery victim, defendants CANAAN EL, ALBERT HENRY, a/k/a “Hotshot,” “Shot,” MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, would divide and share the criminal proceeds among themselves and release the robbery victim, along with any other persons who had also been abducted and held hostage.

OVERT ACTS

In furtherance of the conspiracy, and to effect the object of the conspiracy, the following overt acts, among others, were committed from December 2002 through August 2003 in the Eastern District of Pennsylvania:

(The D.W. Robbery)

1. Between in or about December 2002 and on or about February 18, 2003,

defendants CANAAN EL, MUBARAK REED, a/k/a “Stacks,” along with others known and unknown to the Grand Jury, identified D.W. as a potential robbery target and conducted surveillance to determine the type of car D.W. drove, the places at which D.W. lived and the places that D.W. routinely visited.

2. On or about February 18, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants CANAAN EL, MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, while wearing masks and with guns drawn, confronted D.W., D.W.’s wife and the wife’s six-year old daughter as they exited D.W.’s 1993 Oldsmobile Cutlass Supreme, VIN 1G3WH54T2PD358272 (“D.W.’s car”), and ordered D.W., along with his wife and the wife’s daughter, into the back seat of D.W.’s car.

3. On or about February 18, 2003, defendants CANAAN EL, MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, transferred D.W., along with D.W.’s wife and the wife’s daughter, into a second vehicle after taking D.W.’s car through the use of force, violence and intimidation.

4. On or about February 18, 2003, defendants CANAAN EL, MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” and others known and unknown to the Grand Jury, took D.W., along with his wife and the wife’s daughter, into a residence located at 1860 Nolan Street, Philadelphia, Pennsylvania.

5. From on or about February 18, 2003, through on or about February 19, 2003, defendants CANAAN EL, MUBARAK REED, a/k/a “Stacks,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, obtained jewelry and

approximately \$47,000 in cash from D.W., which were proceeds from D.W.'s cocaine and cocaine base ("crack") sales and distributions, and divided and shared these criminal proceeds among themselves.

6. From on or about February 18, 2003, through February 20, 2003, D.W. was restrained with duct tape and plastic bindings and then physically beaten while defendants CANAAN EL, ALBERT HENRY, a/k/a "Hotshot," "Shot," MUBARAK REED, a/k/a "Stacks," and SHAMELL SHIVERS, a/k/a "Nai," along with others known and unknown to the Grand Jury, made additional demands to D.W. for money.

7. On or about February 19, 2003, defendants CANAAN EL, ALBERT HENRY, a/k/a "Hotshot," "Shot," and MUBARAK REED, a/k/a "Stacks," along with others known and unknown to the Grand Jury, released D.W.'s wife and the wife's six-year old daughter from captivity.

8. From on or about February 19, 2003, through on or about February 20, 2003, defendants CANAAN EL, ALBERT HENRY, a/k/a "Hotshot," "Shot," and SHAMELL SHIVERS, a/k/a "Nai," through a person known to the Grand Jury, did contact D.W.'s father by cellular telephone and demand that D.W.'s father deliver approximately \$200,000 to D.W.'s abductors.

9. On or about February 20, 2003, defendants CANAAN EL, ALBERT HENRY, a/k/a "Hotshot," "Shot," and SHAMELL SHIVERS, a/k/a "Nai," along with others known and unknown to the Grand Jury, did obtain approximately \$20,000 from D.W.'s father which they divided among themselves.

10. On or about February 20, 2003, defendants CANAAN EL, ALBERT HENRY,

a/k/a “Hotshot,” “Shot,” and SHAMELL SHIVERS, a/k/a “Nai,” along with others known and unknown to the Grand Jury, released D.W. from captivity after obtaining money from D.W.’s father.

All in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

COUNT TWO
(Hobbs Act Robbery)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One is incorporated here.
2. From on or about February 18, 2003 through on or about February 20, 2003, at

Philadelphia, in the Eastern District of Pennsylvania, defendants

**CANAAN EL,
ALBERT HENRY,
a/k/a “Hotshot,” “Shot,”
MUBARAK REED,
a/k/a “Stacks,”
SHAMELL SHIVERS,
a/k/a “Nai,”**

unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants unlawfully took and obtained, attempted to take and obtain, and aided and abetted the unlawful taking and obtaining of property, that is, cash, jewelry and other items of value from D.W., who was engaged in the sale, distribution and trafficking of cocaine, cocaine base (“crack”) and other illegal controlled substances from sources outside the Commonwealth of Pennsylvania, against his will by means of actual and threatened force, and violence, and fear of injury, immediate and future, to his person and property.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), (b)(3) and 2.

COUNT THREE
(Carjacking)

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 18, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

**CANAAN EL,
MUBARAK REED,
a/k/a “Stacks,”
SHAMELL SHIVERS,
a/k/a “Nai,”**

with intent to cause death and serious bodily harm, took from the person and presence of another,
by force and violence and by intimidation, a motor vehicle, that is, a 1993 Oldsmobile Cutlass
Supreme, VIN 1G3WH54T2PD358272, that had been transported, shipped, and received in
interstate commerce.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT FOUR
(Use and Carry a Firearm)

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 18, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CANAAN EL,

knowingly used and carried a firearm, that is, a handgun, and aided and abetted the use and
carrying of a firearm, during and in relation to a crime of violence for which he may be prosecuted
in a Court of the United States, that is, Hobbs Act robbery and carjacking, as charged in Counts
One, Two and Three of this Indictment.

In violation of Title 18, United States Code, Sections 924(c), 924(c)(1)(A)(i), and 2.

COUNT FIVE
(Carjacking)

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

**CANAAN EL,
ALBERT HENRY,
a/k/a “Hotshot,” “Shot,”**

with intent to cause death and serious bodily harm, took from the person and presence of another,
by force and violence and by intimidation, a motor vehicle, that is, a 1998 Acura NSX, VIN
JH4NA2160WT000085, that had been transported, shipped, and received in interstate commerce.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT SIX
(Use and Carry a Firearm)

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

**ALBERT HENRY,
a/k/a “Hotshot,” “Shot”**

knowingly used and carried a firearm, that is, a handgun, and aided and abetted the use and carrying of a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, carjacking as charged in Count Five of this Indictment.

In violation of Title 18, United States Code, Sections 924(c), 924(c)(1)(A)(i), and 2.

COUNT SEVEN
(Felon in Possession of Firearm and Ammunition)

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CANAAN EL,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce, firearms and ammunition, that is, a Ruger 9mm handgun, Serial No. 314-97223, and a magazine containing 9 live rounds of 9mm hollow point ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT EIGHT
(Felon in Possession of a Firearm and Ammunition)

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CANAAN EL,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce, firearms and ammunition, that is, a loaded Beretta 9mm handgun, Serial No. BER430374Z, and two magazines containing a total of 27 live rounds of 9mm hollow point ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations of Counts Three and Five are realleged here.

2. As the result of the violation of Title 18, United States Code, Section 2119, as set forth in Count Three of this Indictment, defendants

**CANAAN EL,
MUBARAK REED,
a/k/a “Stacks,”
SHAMELL SHIVERS,
a/ka/ “Nai,”**

shall forfeit to the United States any and all property, real or personal, involved in such violations, or any property traceable to such property, including but not limited to proceeds in the amount of approximately \$147,000.

3. As the result of the violation of Title 18, United States Code, Section 2119, as set forth in Count Five of this Indictment, defendants

**CANAAN EL,
ALBERT HENRY,
a/k/a “Hotshot,” “Shot,”**

shall forfeit to the United States any and all property, real or personal, involved in such violations, or any property traceable to such property, including but not limited to proceeds in the amount of approximately \$2,650.

3. In the event the forfeitable property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

In violation of Title 18, United States Code, Section 982.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Section 922(g)(1), as set forth in Counts Seven and Eight of this Indictment, which counts are realleged and incorporated by reference, defendant

CANAAN EL

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the firearms and ammunition involved in the commission of the offenses, including but not limited to:

1. A Ruger 9mm handgun, Serial No. 314-97223, and a magazine containing 9 live rounds of 9mm hollow point ammunition.
2. A Beretta 9mm handgun, Serial No. BER430374Z, and two magazines containing a total of 27 live rounds of 9mm hollow point ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney